

IN THE DRAWINGS

The attached sheet of drawings includes changes to Figs. 1-3. These sheets, which include Figs. 1-3, replaces the original sheets including Figs. 1-3.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-9 are currently pending, Claims 1-9 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 11, lines 14-17, and Fig. 5.

In the outstanding Office Action, the drawings were objected to; Claims 1-5 and 9 were rejected under 35 U.S.C. §112, first paragraph, as being single means claims; Claims 1, 2, and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by Lee et al. (U.S. Pub. No. 203/0112773, hereafter “Lee”); Claims 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Applicants’ Admitted Prior Art (AAPA); and Claims 3-5 and 7 were objected to as being dependent upon a rejected base claim, but containing allowable subject matter.

Applicants thank the Examiner for the indication of allowable subject matter. However, Claims 3-5 and 7 are presently maintained in dependent form because Applicants believe that the independent claims include allowable subject matter.

With respect to the objection to the drawings, Applicants submit that Figs. 1-3 have been amended to include a “conventional art” label as suggested in the Office Action. Therefore, it is respectfully submitted that this objection has been overcome.

With respect to the rejection of Claims 1-5 and 9 under 35 U.S.C. §112, first paragraph, as being single means claims, Applicants respectfully submit that the amendments to Claims 1 and 9 overcome this ground of rejection. Claim 1 recites a system comprising a determination unit and a transmission power controller. Further, Claim 1 does not recite means plus function language. Therefore, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) does not recite a single means claim. Claim 9

recites a method comprising a determining step and a controlling step. Claim 9 also does not recite means plus function language. Therefore, Applicants respectfully submit that amended Claim 9 does not recite a single means claim. Thus, it is respectfully submitted that the ground of objection under 35 U.S.C. §112, first paragraph, is improper and must be withdrawn.

With respect to the rejection of Claim 1 under 35 U.S.C. §102(e), Applicants respectfully submit that the amended to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

a determination unit configured to determine a communication quality of the shared control channel; and

a transmission power controller configured to control the transmission power of the shared control channel based on a transmission power of a dedicated channel accompanying the shared control channel and the communication quality of the shared control channel received from the determination unit.

Lee is directed to a method of controlling the transmission power of the high-speed downlink shared channel (HS-SCCH) in a high speed downlink packet access (HSDPA) system. Lee describes a base station receiving a transmit power control (TPC) command from a mobile station and determining a transmission power of a downlink dedicated physical channel (DL DPCH) based on the TPC command, and determining transmission power of the HS-SCCH channel transmitted to each mobile station by using a power offset value related to transmission power of the DL DPCH (see para. [0021] and [0046]). Lee further states that “it can be said that the power transmission of HS-SCCH is controlled by the TPC command transmitted for the power control of DL DPCH from the [mobile terminal].” (See para. [0049]).

Therefore, in Lee, the determination of transmission power of the downlink shared control channel (HS-SCCH) is based on the power control of the downlink dedicated physical channel, which in turn is based on the TPC command received from a mobile station.

In other words, Lee describes controlling the transmission power of the shared control channel based on a transmission power of a dedicated channel, but not on both the transmission power of the dedicated channel and the communication quality of the shared control channel received from a determination unit.

The Office Action takes the position that Lee describes controlling the transmission power of the shared control channel based on the communication quality of the shared control channel received from a determination unit on paragraph [0055] (see Office Action, at page 4). However paragraph [0055] of Lee states the following:

“[t]herefore, in order to prevent an increase in an error rate of HS-SCCH that can possibly occur in the soft handover of DL DPCH, the transmission power of HS-SCCH should be increased.”

Thus, Lee describes *preventing* an increase in error rate by increasing the transmission power of HS-SCCH. However, Lee does not describe *determining* a communication quality (or determining an error rate) of the shared control channel and using the determined communication quality and the transmission power of a dedicated channel to control the transmission power of the shared control channel.

Therefore, Lee fails to disclose or suggest “*a determination unit configured to determine a communication quality of the shared control channel*; and a transmission power controller configured to control the transmission power of the shared control channel based on a transmission power of a dedicated channel accompanying the shared control channel *and the communication quality of the shared control channel received from the determination unit*,” as defined by amended Claim 1.

Thus, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Lee.

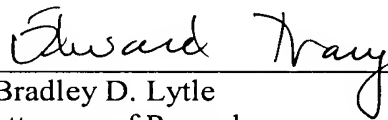
The AAPA has been considered but fails to remedy the deficiencies of Lee with regard to Claim 1. Thus, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Lee and the AAPA, either alone or in proper combination.

Amended independent Claim 9 recites a method with features similar to those of Claim 1 discussed above. Thus, Applicants respectfully submit that amended Claim 9 patentably distinguishes over Lee and the AAPA, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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